IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MRS. JUSTICE K.HEMA

WEDNESDAY, THE 28TH NOVEMBER 2007 / 7TH AGRAHAYANA 1929

MFA.No. 1192 of 2001(D)

OPMV.118/1995 OF MOTOR ACCIDENT CLAIMS TRIBUNAL, VADAKARA
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APPELLANT/ PETITIONER:

T.K. KUNHIRAMAN ALIAS KUNHIRAMA KURUP,
S/O. RAYARAPPAN NAMBIAR, RESIDING AT
CHAITHANYA, ORKKATTERI AMSOM, DESOM,
BADAGARA TALUK.

BY ADV. SRI.M.V.JOSEPH.

RESPONDENTS:
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1. **PARVATHI AMMA, W/O. KANARA KURUP,**
   KANDIYIL HOUSE, VYKKILASSERI,
   VADAKARA TALUK (LEGAL REPRESENTATIVE AND
   MOTHER OF DECEASED DRIVER AND OWNER OF JEEP
   KLM 7825).

2. **THE ORIENTAL INSURANCE CO. LTD.,**
   DIVISIONAL OFFICE, G.H. ROAD,
   KOZHIKODE.

R2. BY ADV. SRI.GEORGE CHERIAN.

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 28/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & K.HEMA, JJ.

M.F.A.No.1192 OF 2001

Dated 28th November, 2007

JUDGMENT

Koshy,J.

Appellant/claimant met with an accident at the age of 40. He was a store keeper employed in Eramala Weavers Industrial (Workshop) Co-operative Society Limited, Vadakara with a monthly salary of Rs.1,700/=. He has 8% permanent disability as certified by the doctor. He claimed a compensation of Rs.2,00,000/=, but, Tribunal has awarded only Rs.36,100/= as compensation. Only quantum of compensation is disputed in this appeal. It is true that he suffered partial permanent disability and he has to suffer the same till the end of his life. The appellant's employment and salary were not affected due to the accidental injuries. Considering the total compensation awarded, we are of the opinion that no interference is required except for compensation granted for leave wages. He was on leave for 10 months and certificate was produced. Even if part of the leave was with pay, he could have availed leave in his credit for other purposes. Therefore, he is entitled to full leave wages for 10 months, i.e., amounting to Rs.17,000/=. Tribunal has granted Rs.8,500/=. Therefore, he is entitled to another Rs.8,500/= than that was awarded by the Tribunal. With regard to other heads, no enhancement is needed. The above Rs.8,500/= should be

deposited by the third respondent insurance company with 7.5% interest from the date of application till its deposit. On deposit of the amount, appellant is allowed to withdraw the same.

The appeal is partly allowed.

J.B.KOSHY
JUDGE

K.HEMA
JUDGE

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